

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TERENCE D. MANNING,

Plaintiff,

v.

STATE OF WASHINGTON et al.,

Defendants.

Case No. C05-5791RJB

ORDER ON CR37 MOTION TO
COMPEL AND PROTECTIVE
ORDER

This matter comes before the court on the above-referenced motion (Dkt. 22). The court is familiar with the records and files herein and documents filed in support of and in opposition to the motion, including all declarations.

Preliminarily, the court apologizes to counsel for the mix-up in noting this motion. It was correctly noted when originally filed, and the renoting was the court's error.

It appears from the showing made that it is appropriate for the plaintiff to submit to an independent medical examination by Dr. Glenn Goodwin at his office for two days, on the 20th and 21st of July, 2006 and that request should be **GRANTED**; provided, however, that if, as alleged by plaintiff, a two-day examination proves to be physically unreasonable for Mr. Manning, the second day of the exam may be rescheduled. At this point, however, there is no showing that a two-day

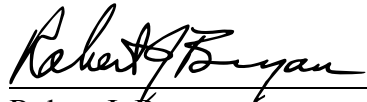
1 examination is not physically appropriate for Mr. Manning. The court requests that Dr. Goodwin be
2 sensitive to Mr. Manning's physical problems and that he reschedule the second day, should it appear
3 during the first day that a second consecutive day of examination is not appropriate.

4 The request to videotape the examination and to have a witness to attend the examination
5 may be disruptive, as indicated in Dr. Goodwin's declaration, and those requests should be
6 **DENIED.**

7 **IT IS SO ORDERED.**

8 The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel of
9 record and to any party appearing *pro se* at said party's last known address.

10 DATED this 6th day of July, 2006.

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12 Robert J. Bryan
13 United States District Judge
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